7/27/72

Dear Harold,

With some time, I'll respond to your recent mailings, which go back to 7/13. Cyril has written me an incredible letter, asking me to give him whatever I can and then come down to Wash. so any critics he can get his hands on can meet and help him "digest" the material he sees. He apparently plans to out-do the Clark Panel. He plans to devote 2 days to this, and to see "other items" in the Archives which I presume to be the rifle, bullets, and movies. I presume that if he has any time left, he might look at the autopsy pictures. My response to him is being retyped, and if it and a copy of Cyril's letter are not included in this mailing, I'll send them out tomorrow.

Jerry has written me and, in his own tortured way, he has backed down ever so slightly which he must view as ever so noble. A copy of his letter is enclosed. I've not yet decided on a response, if I make any at all. His sudden defense of Lifton leads me to speculate that he might be trying to get close to Lifton, having been thrown out of your nest. He can call Lifton at know expense, and as we both know, Jerry suffers from telephonitis, among other things. Also, he has spoken highly of some of Lifton's work to me, and not listened to my arguments.

You have solicited my appraisal of the proposed additions to the spectro appeal. I've been thinking about this, and not knowing very much about the legalities and points of law at issue, I'm a little reluctant to make comment. One question I ask myself is what are the chances that the Sup. Ct. will accept the case? My thinking is that they will not hear it unless they want to establish a precedent decision on FOI cases, which would be bad. So, I can't satisfy myself that you should hold back with the Appeals Court. Also, will it be possible to introduce new evidence in the appeal or must the appeal be decided on the merits of the evidence originally used? Finally, re your idea to use the 399 base pix and the X-ray reading of thigh fragment: As you may remember, I have always urged caution in using the X-ray reading you found in CD5. The measurements of the fragment in the femur cannot be taken as accurate because they were made directly from an X-ray with no correction factors. The language in the report is specific: "By measurements on these films, without correction for target film distance and object film distance." X-rays can portray objects as larger or smaller than they really are. Also, metal shown on X-rays has a tendency to be magnified in appearance. I think if you use this as I think you intend to, it can hurt the case if it is pointed out that the reading you use does not attempt to convey the real size of the thigh fragment itself.

I like your idea on dictating a graph by graph critique of the Lattimer piece. I don't know if I can get down there again this summer, but I'll see what I can do. If I could manage a ride, it would be simple. I have other reasons for coming down, too. Like reading certain files which will help me in my understanding of the current mess, e.g., the Wecht file.

I don't recall that I had a notion where the tissue slides were, unless you mean the mysterious reference in my Fillinger interview. I thought this was all your work, like with the Navy. I never suggested that Cyril ask to see the tissue slides or the brain, which I presume he would have asked for. I once suggested to Sylvia that he ask for pictures and X-rays which were taken but are not there, but that was beofre you pointed out that he can be shown only what is listed in the contract--rahter, they are obliged to show him only that.

One thing I should point out to you, it is possible to tell the difference between a "bruise," which can result on exit, and an "abrasion ring," which cannot. There are several differences which a competent man could spot in good pictures. So, it does make a difference if the gross pictures of the back wound show an abrasion ring and not mere bruising.

With respect to Sylvia and ExCEss, she told me that she was aware of the relevant parts of the sessions, but she thought they did not conclusively establish that the pix and X-rays were in the HANDS of the WC. Also, Sylvia's neice has written me telling me that Sylvia is not well enough to rent a summer home, hence my invitation to visit is withdrawn. She added that Sylvia had been hospitalized for XXXX tests.

On the matter of the missing Burkley files, I don't think Ross could have XXXXXX taken it. The only time I remember him in the office I was with him, and we went into one drawer only, becuase he wanted to see what photos you had. Also, I doubt if he would have looked under "AUtopsy" unless he had been directed there by someone who knew where it was filed. On my last trip there I did not look at this file either. Did you do anything with it when you had PM last part copyrighted? What about when you gave Ned a copy? Or, better yet, what did you do with the copy Ned returned? I remember when I was there last winter, you got a package from Ned containing what he returned, and a copy was included. I don't recall what you did with it, but that is the last time I'd seen a copy of the D.C.

Jerry's letter to you is pretty bad, but I think you went overboard in your response to it. A shorter response would have sufficed, I think. At this point I think nothing is to be served by devoting so much time to Jerry.

I'm making fairly good progress on the revision of my book.

Best to Lil.

Still,

Howard